



AUDIT – 10TH DECEMBER 2014

**SUBJECT: SOCIAL SERVICES REPRESENTATIONS AND COMPLAINTS
PROCEDURE ACTIVITY**

REPORT BY: CORPORATE DIRECTOR SOCIAL SERVICES

1. PURPOSE OF REPORT

- 1.1 To provide the Audit Committee with information on the operation of the Social Services Directorate's Representations and Complaints procedure and the subsequent reporting processes.

2. SUMMARY

- 2.1 The Directorate's Customer Services Team deals with complaints and representations relating to Social Services.

2.2 Complaints

- 2.2.1 On 1st August 2014, new guidance on the handling of complaints by Social Services Directorate's across Wales was introduced by the Welsh Government. This guidance replaces the previous guidance, 'Listening and Learning' and supports the implementation of the Social Services Complaints Procedure (Wales) Regulations 2014 and Representations Procedure (Wales) Regulations 2014.
- 2.2.2 The revised procedure sees the dismantling of the Welsh Government stage 3 Panel Hearing that was available to complainants who remained dissatisfied after a formal stage 2 investigation, with complainants now having the right to progress to the Ombudsman on the completion of a stage 2 investigation. The following stages now apply to Social Services complaints:-

Stage 1 (Local Resolution) - The majority of complaints are dealt with in this way and most are concluded without the need for a formal investigation. Staff are required to observe established procedures, timescales and best practice at all times.

Stage 2 (Formal Investigation) - Investigations at this stage are undertaken by an externally commissioned Investigating Officer and there are statutory time limits for completion of the investigation. The complainant receives a full response detailing findings, conclusions and recommendations. The Guidance allows for complainants to progress their concerns directly to formal Stage 2 investigation if they so wish.

Stage 3 - If a complainant is not satisfied with the outcome of a formal investigation at Stage 2 they can request that their complaint progresses to the Local Public Services Ombudsman for Wales. Complaints investigated by the Ombudsman's office result in a report to the Local Authority in which the Ombudsman may make recommendations. In cases where the Ombudsman concludes that maladministration has taken place, the report is made public and the Directorate's Customer Services Manager and relevant Operational Managers will attend

the Local Authority Standards Committee to offer a full explanation.

3. LINKS TO STRATEGY

- 3.1 Annual Council Reporting Framework (ACRF) – The Director’s Annual Report on the Effectiveness of Social Services.
- 3.2 Adult and Children’s Services Service Improvement Plans
- 3.3 The Social Services and Well-being (Wales) Act 2014

4. THE REPORT

- 4.1 Appendix 1 is the 2013-14 Annual Report presented to the Health Well Being Scrutiny Committee in May 2014 and covers the representations and complaints activity for the period 1st April – 31st March 2014 under the Listening and Learning Guidance.
- 4.2 Training on the revised complaints process is currently being delivered by the Customer Services team to all staff within the Directorate of Social Services, to ensure that complaints are dealt with in line with statutory guidance.
- 4.3 The revised complaints process is now available to the public on the Local Authority’s website and to the staff of the Local Authority’s intranet.
- 4.4 Leaflets on the new complaints process are now available to the public to ensure that people have the relevant information and contact details to enable them to access the complaints process.
- 4.5 The Directorate’s Senior Management Team receives a weekly complaints and representations report produced by the Customer Services Team.

5. EQUALITIES IMPLICATIONS

- 5.1 The Customer Services Team continues to respond to issues of equality by ensuring that all complaints are dealt with in a consistent manner and by responding to complainants in accessible formats to suit their individual needs.

6. FINANCIAL IMPLICATIONS

- 6.1 There are no financial implications arising from this report.

7. PERSONNEL IMPLICATIONS

- 7.1 There are no personnel implications arising from this report.

8. CONSULTATIONS

- 8.1 There are no consultation responses.

9. RECOMMENDATIONS

- 9.1 Audit Committee Members are asked to note the content of this report.

10. REASONS FOR THE RECOMMENDATIONS

- 10.1 To ensure that the Audit Committee is informed of the complaints process applied to the Social Services Directorate.

11. STATUTORY POWER

- 11.1 Welsh Government's guide to handling complaints and representations by Local Authority Social Services
- 11.2 Health and Social Care (Community Health and Standards) Act 2003.
- 11.3 Fostering Services (Wales) Regulations 2003.
- 11.4 Children Act 1989 Guidance and Regulations.
- 11.5 The Social Services and Well-being (Wales) Act 2014

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Appendices:
Appendix 1 2013-14 Annual Representations and Complaints